

U.S.A. vs FABIAN GUERRERO-ALVAREZ

No. 07CR2967-DMS

The Court finds excludable delay, under the section indicated by check (), commenced on 11/14/07 and ended on 2/1/08; (X7, XT1) _____ and ended on _____ . ()

3161(h)(1)(A) Exam or hrg for **mental or physical incapacity**

A

(1)(B)**NARA examination** (28:2902)

B

(1)(D)**State or Federal trials or other charges pending**

C

(1)(E)**Interlocutory appeals**

D

(1)(F)**Pretrial motions** (from flg to hrg or other prompt dispo)

E

(1)(G)**Transfers from other district** (per FRCrP 20, 21 & 40)

F

(1)(J)**Proceedings under advisement** not to exceed thirty days

G

 Misc proc: Parole or prob rev, deportation, **extradition**

H

(1)(H)**Transportation** from another district or to/from examination or hospitalization in ten days or less

6

X (1)(I)**Consideration by Court of proposed plea agreement**

7

 (2)**Prosecution deferred** by mutual agreement

I

 (3)(A)(B)**Unavailability of defendant or essential witness**

M

 (4)Period of **mental or physical incompetence** of defendant to stand trial

N

 (5)**Period of NARA commitment or treatment**

O

 (6)**Superseding indictment and/or new charges**

P

 (7)**Defendant awaiting trial of co-defendant** when no severance has been granted

R

 (8)(A)(B)**Continuances** granted per (h)(8)-use "T" alone if more than one of the reasons below are given in support of continuance

T

 (8)(B)(I)1) Failure to grant a **continuance** in the proceeding would result in a **miscarriage of justice** and the ends of justice outweigh the best interest of the public and the defendant in a speedy trial.
(Continuance - miscarriage of justice)

T1

X2) Failure to grant a **continuance** of the trial would result in a miscarriage of justice as the defendant has tendered a guilty plea to a magistrate judge and is awaiting a determination as to whether the plea will be accepted.
(Continuance - tendered a guilty plea) (8)(B)(ii) 2) **Case unusual or complex**

T2

 (8)(B)(iii) 3) **Indictment** following arrest **cannot be filed** in thirty (30) days

T3

 (8)(B)(iv) 4) **Continuance** granted in order to obtain or substitute counsel, or give reasonable time to prepare
(Continuance re counsel)

T4

 3161(I) Time up to **withdrawal of guilty plea**

U

 3161(b) **Grand jury indictment time extended** thirty (30) more days

W

Date 11/14/07

NCS
Judge's Initials